1	Jonathan Matthew Baum (SBN: 303469)	Christopher J. Morvillo
1	Steptoe & Johnson LLP	Celeste L.M. Koeleveld
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,	Steuart Tower, Suite 1070	(Admitted Pro Hac Vice)
3	San Francisco, CA 94105	Clifford Chance US LLP
4	Telephone: (510) 735-4558	31 West 52nd Street
١ ١	jbaum@steptoe.com	New York, NY 10019
5		Telephone: (212) 878-3437
6	Reid H. Weingarten Brian M. Heberlig	christopher.morvillo@cliffordchance.com
7	Michelle L. Levin	
	Nicholas P. Silverman	Attorneys for Defendant
8	Dwight J. Draughton	Michael Richard Lynch
9	Drew C. Harris	·
9	Steptoe & Johnson LLP	
10	1114 Avenue of the Americas	
	New York, NY 10036	
11	Telephone: (212) 506-3900	
12		
12		
13	TIMESTED COLVE	
	UNITED STAT	TES DISTRICT COURT
14	NORTHERN DIS	STRICT OF CALIFORNIA
15	TOTTIBLE DI	
16	UNITED STATES OF AMERICA,	Case No.: 3:18-cr-00577-CRB
1.7		
17	Plaintiff,	Judge: Hon. Charles Breyer
18		
	VS.	[PROPOSED] ORDER GRANTING
19		DEFENDANT MICHAEL RICHARD
,	MICHAEL RICHARD LYNCH and	LYNCH'S MOTION FOR ISSUANCE OF
20	STEPHEN KEITH CHAMBERLAIN,	SUBPOENAS PURSUANT TO FEDERAL
21		RULE OF CRIMINAL PROCEDURE 17(c)
	Defendants.	
22		Date: November 29, 2023
		Time: 1:30pm
23		Court: Courtroom 6 – 17 th Floor
24		Date Filed: November 14, 2023
~ ~		Trial Date: March 18, 2024
25		,
26		
27		
28		

[PROPOSED] ORDER GRANTING DEFENDANT MICHAEL RICHARD LYNCH'S MOTION FOR ISSUANCE OF SUBPOENAS PURSUANT TO FEDERAL RULE OF CRIMINAL PROCEDURE 17(c) – 3:18-CR-00577-CRB

1	[PROPOSED] ORDER		
2	Good cause having been shown, the Court GRANTS Defendant Michael Richard Lynch'		
3	Motion for Issuance of Subpoenas to Hewlett Packard, PricewaterhouseCoopers, Deloitte LLP,		
4	and Ernst & Young, pursuant to Federal Rule of Criminal Procedure 17(c).		
5	The Court HEREBY DIRECTS the Clerk of the Court to issue the subpoenas attached to		
6	this order and to transmit signed copies of those subpoenas to counsel for Defendant Michael		
7	Richard Lynch.		
8			
9			
10	DATED:		
11	Honorable Charles R. Breyer United States District Court Judge		
12	Northern District of California		
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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	SUBPOENA TO PRODUCE		
Plaintiff,	DOCUMENTS OR OBJECTS IN A CRIMINAL CASE		
v.	Case No.: 3:18-cr-577-CRB		
Michael Richard Lynch and Stephen Keith Chamberlain, Defendant(s).			
TO: Hewlett Packard ("HP")			
YOU ARE COMMANDED to produce at the place, date, a below. If compliance would be unreasonable or oppressive modify the subpoena, to review the documents in camera, or	e, you may file a motion requesting the cour	t to quash or	
	. Courthouse	COURTROOM/JUDGE 6/Breyer	
	Boeing Ave. 1301 Clay Street nleyville, CA 95519 Oakland, CA 94612	DATE AND TIME 1/2/2024 09:00	
If the document(s) or object(s) are produced in advance of the clerk's office or to the issuing attorney whose name are			
The following document(s) or object(s) shall be produced	:		
See Attachment 1.			
NOTE: Subpoena forms requiring the appearance of a with documents to a criminal proceeding, must use Form CAN production of state law enforcement personnel or complain <i>Enforcement Personnel Or Complaint Records in a Crimi</i> cand.uscourts.gov.	D 89A, Subpoena to Testify in a Criminal C int records (CAND 89C, Subpoena to Produ	Case) or for the uce State Law	
	DATE		
U.S. MAGISTRATE JUDGE OR CLERK OF COURT	DATE		
(By) Deputy Clerk			
ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:			

Christopher J. Morvillo; Clifford Chance US LLP; 31 West 52nd Street, New York, NY 10019-6131; (212) 878-3437; christopher.morvillo@cliffordchance.com

PROOF OF SE	ERVICE			
RECEIVED BY SERVER	DATE	PLACE		
SERVED	DATE	PLACE		
SERVED ON (PRINT NAME)		FEES AND MILEAGE TENDERED TO WITNESS ☐ YES ☐ NO AMOUNT \$		
SERVED BY (PR	INT NAME)	TITLE		
	DECLARA	ATION OF SERVER		
I declare under contained in th	r penalty of perjury under the laws of the ne Proof of Service is true and correct.	United States of America that the foregoing information		
Executed on	D 1 000			
	DATE	SIGNATURE OF SERVER		
		ADDRESS:		
ADDITIONAL IN	FORMATION			

All records and communications between October 1, 2011 and January 31, 2014 relating to

- i. The write-down of Autonomy, including but not limited to:
 - a. HP's communications with public relations consultants, PWC, Deloitte, EY and the SEC about the write-down;
 - b. the basis for the allegation that more than \$5 billion of the write-down was attributable to "serious accounting improprieties, misrepresentation[s] and disclosure failures";
 - c. the quantification of each component of the write-down; and
 - d. EY's disagreement with language in the write-down announcement and in HP's 2012 annual report attributing the majority of the write-down to fraud.
- ii. The restatement of Autonomy Systems Limited's ("ASL") 2010 accounts and the filing of ASL's 2011 accounts, including but not limited to:
 - a. Christopher Yelland's communications with PWC and Morgan Lewis regarding the restatement and/or the internal investigation by Morgan Lewis and PWC;
 - b. Yelland's communications with EY regarding the restatement; and
 - c. EY's disclaimer of opinion on the restatement.
- iii. Deloitte's audit work for Autonomy, including but not limited to:
 - a. the termination of Deloitte as Autonomy's external auditor;
 - b. Deloitte's work on the FY 2011 statutory accounts of ASL, reflecting disagreements between Deloitte and Autonomy or HP regarding the accounting treatment of certain items and the possibility Deloitte would give a qualified audit opinion; and
 - c. Deloitte's communications with Yelland or other HP employees regarding the restatement.
- iv. EY's post-closing review of Autonomy's 2011 accounts, including but not limited to:
 - a. EY's review of Deloitte's work papers;
 - b. EY's communications with Deloitte; and
 - c. the review and preparation of ASL's 2011 accounts.
- v. The integration of Autonomy into HP, including but not limited to:
 - a. the planned combination of Autonomy and Vertica;
 - b. the pricing of Autonomy products;
 - c. the incentivization of HP employees to sell products that competed with Autonomy's products;
 - d. Autonomy's orders of HP hardware for external customers; and
 - e. the retention and attrition of Autonomy employees.

878-3437; christopher.morvillo@cliffordchance.com

UNITED STATES OF AMERICA,

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SUBPOENA TO PRODUCE

	Plaintiff,	DOCUMENTS (IN A CRIMINA		
v.		Case No.: 3:18-	cr-577-CRB	
Michael Richard Lynch as Keith Chamberlain.	nd Stephen ■ Defendant(s).			
TO: PricewaterhouseCoo	pers ("PWC")			
below. If compliance would	l be unreasonable or op	e, date, and time specified the pressive, you may file a moti amera, or to permit production	on requesting the cou	rt to quash or
PLACE ✓ U.S. Courthouse 450 Golden Gate Ave.	☐ U.S. Courthouse 280 South First St.	☐ U.S. Courthouse 3140 Boeing Ave.	☐ U.S. Courthouse 1301 Clay Street	COURTROOM/JUDGE 6/Breyer DATE AND TIME
San Francisco, CA 94102	San Jose, CA 95113	McKinleyville, CA 95519	Oakland, CA 94612	1/2/2024 09:00
		vance of the date specified, eith name and address appears b		
The following document(s) or object(s) shall be pr	roduced:		
See Attachment 1.				
documents to a criminal pr production of state law enf	oceeding, must use For orcement personnel or	of a witness to testify at a crim CAND 89A, Subpoena to complaint records (CAND 89 a Criminal Case) are available	Testify in a Criminal (PC, Subpoena to Prod	Case) or for the uce State Law
U.S. MAGISTRATE JUDGE OF	R CLERK OF COURT	DATE		
(By) Deputy Clerk				
ATTORNEY'S NAME, ADDRE	ESS AND PHONE NUMBE	R:		
Christopher J. Morvillo; C	Clifford Chance US L	LP; 31 West 52nd Street, 1	New York, NY 1001	19-6131; (212)

PROOF OF SE	ERVICE			
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SERVED ON (PRINT NAME)		FEES AND MILEAGE TENDERED TO WITNESS ☐ YES ☐ NO AMOUNT \$		
SERVED BY (PR	INT NAME)	TITLE		
	DECLARA	ATION OF SERVER		
I declare under contained in th	r penalty of perjury under the laws of the ne Proof of Service is true and correct.	United States of America that the foregoing information		
Executed on	D 1 000			
	DATE	SIGNATURE OF SERVER		
		ADDRESS:		
ADDITIONAL IN	FORMATION			

All records and communications between May 1, 2012 and January 31, 2014 relating to

- i. HP's write-down of Autonomy in November 2012, including but not limited to:
 - a. efforts to quantify the amount of the write-down attributable to "serious accounting improprieties, misrepresentation[s] and disclosure failures"; and
 - b. the alleged "intense internal investigation" and "forensic review" prior to the write-down.
- ii. The restatement of Autonomy Systems Limited's ("ASL") 2010 accounts and the filing of ASL's 2011 accounts, including but not limited to:
 - a. communications with EY, Christopher Yelland, and other HP employees regarding the restatement; and
 - b. communications with HP employees regarding pre-acquisition Autonomy transactions.

UNITED STATES OF AMERICA,

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SUBPOENA TO PRODUCE

	Plaintiff,	DOCUMENTS OR OBJECTS IN A CRIMINAL CASE	
v.		Case No.: 3:18-cr-577-CRB	
Michael Richard Lynch an Keith Chamberlain,	d Stephen Defendant(s).		
TO: Deloitte LLP ("Deloi	tte")		
below. If compliance would	be unreasonable or oppressiv	and time specified the document(s) or objecte, you may file a motion requesting the cour or to permit production only pursuant to a p	t to quash or
PLACE			COURTROOM/JUDGE
✓ U.S. Courthouse 450 Golden Gate Ave. San Francisco, CA 94102	□ U.S. Courthouse □ U.S. Courthouse □ U.S. Courthouse 280 South First St. San Jose, CA 95113 U.S. Courthouse 1301 Clay Street Oakland, CA 94612 Oakland, CA 94612 DATE AND 1/2/2024 09:		
If the document(s) or object the clerk's office or to the is	(s) are produced in advance of ssuing attorney whose name d	f the date specified, either to the court in an e and address appears below, no appearance i	nvelope delivered to
The following document(s)	or object(s) shall be produced	d:	
See Attachment 1.			
documents to a criminal proproduction of state law enfo	oceeding, must use Form CAN orcement personnel or compla	tness to testify at a criminal proceeding or to ND 89A, Subpoena to Testify in a Criminal Caint records (CAND 89C, Subpoena to Produinal Case) are available at the Court's webs	Case) or for the uce State Law
U.S. MAGISTRATE JUDGE OR	CLERK OF COURT	DATE	
(By) Deputy Clerk			
ATTORNEY'S NAME, ADDRE	SS AND PHONE NUMBER:	'	_

Christopher J. Morvillo; Clifford Chance US LLP; 31 West 52nd Street, New York, NY 10019-6131; (212) 878-3437; christopher.morvillo@cliffordchance.com

PROOF OF SERVICE	
RECEIVED BY SERVER	PLACE
SERVED DATE	PLACE
SERVED ON (PRINT NAME)	FEES AND MILEAGE TENDERED TO WITNESS ☐ YES ☐ NO AMOUNT \$
SERVED BY (PRINT NAME)	TITLE
DECLARATIO	N OF SERVER
I declare under penalty of perjury under the laws of the Unit contained in the Proof of Service is true and correct. Executed on	ed States of America that the foregoing information
DATE	SIGNATURE OF SERVER
	ADDRESS:
ADDITIONAL INFORMATION	

All records and communications between October 1, 2011 and December 30, 2012 relating to:

- i. Deloitte's review of Autonomy Systems Limited's ("ASL") FY 2011 accounts, including any disagreements between Deloitte and Autonomy or HP regarding the accounting treatment of certain items and the possibility Deloitte would give a qualified audit opinion;
- ii. the restatement of ASL's 2010 accounts; and
- iii. Deloitte's termination by HP as Autonomy's external auditor.

UNITED STATES OF AMERICA,

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SUBPOENA TO PRODUCE

	Plaintiff,	DOCUMENTS C IN A CRIMINAL		
v.		Case No.: 3:18-c	er-577-CRB	
Michael Richard Lynch ar Keith Chamberlain,	nd Stephen Defendant(s).			
TO: Ernst & Young ("EY	")			
YOU ARE COMMANDED below. If compliance would modify the subpoena, to revi	be unreasonable or oppre	essive, you may file a motio	on requesting the cour	t to quash or
PLACE				COURTROOM/JUDGE
✓ U.S. Courthouse 450 Golden Gate Ave. San Francisco, CA 94102	☐ U.S. Courthouse ☐ 280 South First St. San Jose, CA 95113	3140 Boeing Ave. 1301 Clay Street D		6/Breyer DATE AND TIME 1/2/2024 09:00
If the document(s) or object the clerk's office or to the is				nvelope delivered to
The following document(s)	or object(s) shall be prod	luced:		
See Attachment 1.				
NOTE: Subpoena forms required documents to a criminal proproduction of state law enformation of the Enforcement Personnel Or cand.uscourts.gov.	oceeding, must use Form or comment personnel or comment personnel or comment	CAND 89A, Subpoena to Timplaint records (CAND 896)	estify in a Criminal (C, Subpoena to Prodi	Case) or for the uce State Law
U.S. MAGISTRATE JUDGE OR	CLERK OF COURT	DATE		
(By) Deputy Clerk				
ATTORNEY'S NAME, ADDRE	SS AND PHONE NUMBER:			

Christopher J. Morvillo; Clifford Chance US LLP; 31 West 52nd Street, New York, NY 10019-6131; (212) 878-3437; christopher.morvillo@cliffordchance.com

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		ADDRESS:		
ADDITIONAL IN	FORMATION			

All records and communications between October 1, 2011 and January 31, 2014 relating to:

- i. the write-down of Autonomy, including but not limited to communications with the SEC regarding the write-down;
- ii. the review and preparation of Autonomy Systems Limited's ("ASL") 2011 accounts;
- iii. the restatement of ASL's 2010 accounts, including but not limited to communications with HP and/or Autonomy employees regarding historical transactions; and
- iv. the post-closing review of Autonomy's 2011 accounts, including but not limited to EY's review of Deloitte's workpapers and EY's communications with Deloitte.